IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 24726 of 2007(R)

PETITIONER:

P.VINITHA, 'GOKULAM', THANNIVILA,
VEDIVACHANCOIL P.O., BALARAMAPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.L.MOHANAN
SRI.M.V.KIRAN MOHAN

RESPONDENT:

STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS BRANCH MANAGER,
BALARAMAPURAM BRANCH, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 24726 OF 2007
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Dated this the 20th day of September, 2007

J U D G M E N T

The prayer made in this writ petition is to direct respondent Bank to pay the pension amount in the account of Sri.B.Rajan, the husband of the petitioner. It is stated that he is missing since 22/4/01 and despite all efforts, he remains untraceable. It is on this basis, the petitioner makes the request that the pension amount due to the petitioner's husband should be released to her being his wife.

2. The Bank entered appearance and the standing counsel submits that it will abide by the order passed by this court.

3. The fact that the petitioner's husband is missing and is untraceable seems to have been accepted by the Bank as is evident from Exts. P3 and P4. In terms of these orders, the balance amount available in the account of her husband has been released to the petitioner. Similarly, all monetary claims that

were available except pension has been released to the petitioner also. If the fact that he is missing has been recognised by the Bank to this extent, I do not see any reason why the benefit of pension alone should not be extended to the petitioner.

4. Accordingly, I dispose of this writ petition directing that the respondents shall extend the benefit of pension to the petitioner along with arrears, if any, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. However, the petitioner shall execute an indemnity bond in favour of the Bank, undertaking that in the event her husband turns up and raises a claim against the Bank, she will indemnify the Bank in this respect for the past and future.

Writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp